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LIFE INSURANCE COMPANY OF NORTH AMERICA  
and LONG TERM DISABILITY PLAN FOR EMPLOYEES  
OF EXCITE, INC.

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Attorneys for Plaintiff  
JOHN DOE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN DOE,	)	Case No.: CV09-01665 LB
	)	
Plaintiff,	)	<b>STIPULATION TO EXTEND TIME TO</b>
	)	<b>FILE MOTION FOR SUMMARY</b>
v.	)	<b>JUDGMENT AND [PROPOSED]</b>
	)	<b>ORDER</b>
LIFE INSURANCE COMPANY OF NORTH	)	
AMERICA and LONG TERM DISABILITY	)	Location: Oakland
PLAN FOR EMPLOYEES OF EXCITE, INC.,	)	Judge: Hon. Laurel Beeler
	)	
Defendants.	)	

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1 WHEREAS, Plaintiff John Doe brought this action to recover long term disability benefits;  
2 WHEREAS, Defendant Life Insurance Company of North America (“LINA”) approved  
3 Plaintiff’s claim for long term disability benefits after the filing of this action;

4 WHEREAS, the only remaining issue in this case is whether Plaintiff is entitled to a life  
5 insurance waiver of premium benefit, through a group life insurance policy issued by LINA to the  
6 National Employer Group Insurance Trust, with Plaintiff’s former employer Excite Inc. as a  
7 participating subscriber, Policy No. SGM-500668 (the “Policy”);

8 WHEREAS, the parties are attempting to informally resolve the issue of Plaintiff’s  
9 entitlement to the waiver of premium benefit under the Policy;

10 WHEREAS, in the Joint Status Statement filed by the parties on January 21, 2010, Plaintiff  
11 indicated that he intended to file a motion for summary judgment on the waiver of premium issue  
12 no later than February 12, 2010;

13 WHEREAS, the parties would like an additional two weeks to try to informally resolve the  
14 waiver of premium issue;

15 WHEREAS, there have been no previous stipulations to extend the time to file the motion  
16 for summary judgment on the waiver of premium issue;

17 WHEREAS, the Court vacated all deadlines in this case on January 26, 2010;

18 WHEREAS, the Court’s Order Vacating Status Conference, filed January 26, 2010, states  
19 that the parties shall file a joint statement requesting a case management conference if Plaintiff  
20 chose not to file a motion for summary judgment by February 12, 2010;

21 WHEREAS, the parties would like to continue the date by which to request a case  
22 management statement in order to try to informally resolve the waiver of premium issue;

23 NOW, THEREFORE, the parties stipulate as follows:

- 24 1. If the parties cannot informally resolve the waiver of premium issue within two weeks,  
25 Plaintiff will file a motion for summary judgment no later than February 26, 2010.
- 26 2. If Plaintiff elects not to file a motion for summary judgment by February 26, 2010, the  
27 parties will file a joint statement regarding the status of the case and a request for a case

1 management conference.

2 Date: February 12, 2010

3 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

4 By: /s/ Shilpa G. Doshi  
5 SEAN P. NALTY  
6 SHILPA G. DOSHI  
7 Attorneys for Defendants  
LIFE INSURANCE COMPANY OF NORTH AMERICA  
and LONG TERM DISABILITY PLAN FOR EMPLOYEES  
OF EXCITE, INC.

8 Date: February 12, 2010

9 LEWIS, FEINBERG, LEE, RENAKER & JACKSON, P.C.

10 By: /s/ Teresa S. Renaker  
11 TERESA S. RENAKER  
12 Attorneys for Plaintiff  
JOHN DOE

13 **IT IS SO ORDERED.**

14  
15 Dated: February 16, 2010

16 /s/  
LAUREL BEELER  
United States Magistrate Judge